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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DAVID GRAY TAYLOR, JR.,
INDIVIDUALLY, AND ON BEHALF OF
OTHER MEMBERS OF THE PUBLIC
SIMILARLY SITUATED,

Plaintiffs,

v.

UNIFIRST CORPORATION AND DOES 1-
10, INCLUSIVE,

Defendants.

CASE No. 10CV2296-AJB (WMc)

**ORDER GRANTING FINAL APPROVAL OF
CLASS SETTLEMENT AND AWARD OF
CLASS REPRESENTATIVE PAYMENT,
ATTORNEYS' FEES AND COSTS, AND
PAYMENT TO CLAIMS ADMINISTRATOR**

1 On October 17, 2011, a hearing was held on the unopposed motion of Plaintiff David
2 Gray Taylor, Jr. ("Plaintiff"), on behalf of himself and the Settling Class, for final approval
3 of the Joint Stipulation of Class Settlement and Release ("Stipulation" or "Settlement")
4 entered into between Plaintiff and Defendant UniFirst Corporation, including its
5 predecessors, successors, affiliates, parents, subsidiaries, and related companies ("UniFirst")
6 (collectively the "Parties"), due and adequate notice have been given to the Class Members
7 as required by this Court's Order Granting Preliminary Approval of Class Settlement (the
8 "Preliminary Approval Order") dated May 2, 2011, and the Court, having considered the
9 papers on the motion, the Settlement, and the record and proceedings herein, having
10 determined that the Settlement is fair, adequate, and reasonable, and otherwise being fully
11 informed, the Court finds, concludes, and hereby orders as follows:

- 12 1. All terms used herein shall have the same meaning as given them in the
13 Settlement.
- 14 2. The Court has jurisdiction over the subject matter of this proceeding and over all
15 Parties to this proceeding, including all Class Members.
- 16 3. The Court hereby unconditionally certifies the Class, as set forth in the
17 Settlement, for purposes of this Settlement only.
- 18 4. Distribution of the Class Notice and Claim Form directed to the Class Members as
19 set forth in the Settlement has been completed in conformity with the Preliminary
20 Approval Order, including individual notice to all Class Members who could be
21 identified through reasonable effort, and the best notice practicable under the
22 circumstances. The Class Notice provided due and adequate notice of the
23 proceedings and of the matters set forth in the Preliminary Approval Order,
24 including the proposed Settlement. The Class Notice provided adequate and
25 appropriate notice to all persons entitled to such Class Notice and therefore fully
26 and
27 adequately

1 satisfied due process requirements. Except for the two (2) Class Members who filed
2 timely requests for exclusion, all Class Members are covered by and included within
3 the Settlement and within this Final Approval Order.
4

5 5. The Court hereby finds that the Settlement was entered into in good faith and further
6 finds that the Settlement is fair, reasonable, and adequate, and that Plaintiff has
7 satisfied the standards and applicable requirements for final approval of the
8 Settlement under Rule 23 of the Federal Rules of Civil Procedure and California
9 law.

10 6. The Court hereby approves the Settlement and finds that the Settlement is, in all
11 respects, fair, adequate, and reasonable, and directs the Parties to effectuate the
12 Settlement according to its terms. The Court finds that the Settlement has been
13 reached as a result of intensive, serious, and non-collusive arms-length negotiations.
14 In granting final approval of the Settlement, the Court considered the nature of the
15 claims, the amounts and kinds of benefits paid in settlement, the allocation of
16 settlement proceeds to the Class Members, and the fact that a settlement represents
17 a compromise of the Parties' respective positions rather than the result of a finding
18 of liability at trial. Additionally, the Court finds that the terms of the Settlement
19 have no deficiencies and do not improperly grant preferential treatment to any
20 individual Class Member. The Court also finds that the Class has been properly
21 certified for settlement purposes only.
22

23 7. Up to and including the date of this Final Order, each Class Member who did not
24 timely opt out of the Settlement is and shall be deemed to have conclusively released
25 each and every claim released in the Settlement against UniFirst. The Court
26 incorporates by reference the Release provided in Section III.P. of the Settlement.
27 Except for such rights or claims that may be created by the Settlement, all Class
28

Members as of the date of this Final Order who did not timely opt out of the Settlement are hereby forever barred from prosecuting any of the claims released in the Settlement against UniFirst.

8. The Settlement does not constitute an admission by UniFirst of liability to Plaintiff or any Class Member, nor does this Final Approval Order constitute a finding by the Court of the validity of any of the claims alleged in this action, or any liability of UniFirst.

9. The Court hereby finds the Gross Payment of \$2,600,000.00 provided for in the Settlement to be fair, reasonable, and adequate.

10. The Court hereby confirms London D. Meservy of Meservy Law, P.C., Matthew S. Dente of The Dente Law Firm, and Terry J. Chapko of The Law Office of Terry J. Chapko as Class Counsel.


11. Under the terms of the Settlement and the authorities, evidence, and argument set forth in Class Counsel's application, an award of attorneys' fees in the amount of \$650,000.00 (equivalent to 25% of the Gross Payment) and for costs and expenses in the amount of \$9,317.17, as final payment for and complete satisfaction of any and all attorneys' fees and costs incurred by and/or owed to Class Counsel is hereby granted. The Court finds that Class Counsel's request is reasonable and that the results achieved justify the award. The payment of fees and costs to Class Counsel shall be made in accordance with the terms of the Settlement.

12. The Court hereby confirms Plaintiff David Gray Taylor, Jr. as Class Representative and orders payment of \$12,500.00 to Plaintiff for his service as Class Representative. The payment of the Class Representative's enhancement shall be made in accordance with the terms of the Settlement.

15. If the Settlement does not become final and effective in accordance with its terms, this Final Approval Order and all orders entered in connection herewith, including the accompanying Judgment on this Order, shall be vacated and shall have no further force or effect.

IT IS SO ORDERED.

DATED: October 17, 2011


Hon. Anthony J. Battaglia
U.S. District Judge